

Law Office of

Douglas R. Dollinger, P.C.

& Associates, Counselors at Law

Admitted to Both

State and Federal Practice

EXHIBIT 4

Telephone

845.741.9363

Affiliated Offices

San Diego California
New York City New York

570 County Route 49
Middletown, New York 10940
ddollingeresq@gmail.com

July 27, 2023

United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007
E-mail: ALCarterNYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: Tarsin et al vs. Moyer et al No: 22-9339

Your Honor:

Plaintiffs are seeking to lift the Court's Stay in this matter and permission to file a motion enjoining the prosecution of a California Action under the First to File Rule. That action was filed by the Defendants just a few weeks ago. The Court granted a stay of action in these proceedings based on the parties desire to mediate their claims. (Dkt23-24.) Settlement negotiations have come to a standstill after several rounds of talks between the parties.

Briefly, this matter involves a New York contract and New York partners of the Plaintiff. Plaintiffs ADMI/TARSIN are conducting business in New York. The Defendants are in California and admit in their Complaint that the proposed contract between them as negotiated in New York was never executed. After service of process was completed in November 2022 (Dkt22.), the undersigned was contacted by Counsel for the Defendants, Michael Khouri an attorney located in California. It was agreed that the parties would request a stay and seek to settle their claims. It was also agreed that in the event the parties could not come to terms Defense Counsel would seek to be admitted in the case or retain local counsel to defend the matter. Plaintiffs would amend their Complaint and Defendants would then have 45 days to answer or otherwise move for dismissal. Notwithstanding the agreement, Defendants' without notice, filed the action in the Northern District of California naming the Plaintiffs and no others. (ND-Dkt5:23-cv-03004-SVK.) The Defendant's Complaint was served on July 18, 2023. It is nothing more than a constructive or de facto answer with counterclaims to Plaintiffs' Complaint. No Answer is yet due, nor has one been filed.

Once the Court lifts its Stay Counsel will serve a copy of the Motion by email upon mkhouri@khourilaw.com and overnight service at Khouri Law Firm, APC 101 Pacifica, Suite 380 Irvine, California 92618 with proof of service filed upon completion.

Respectfully,

Douglas R. Dollinger, Esq.
Douglas R. Dollinger, Esq.
DRD/mg

SO ORDERED:
Andrew L. Carter, Jr.
HOW. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE